

# **INDIANA BOARD OF PHARMACY**

## **Indiana Professional Licensing Agency**

Conference Center Room W064  
402 W. Washington St.  
Indianapolis, IN 46204

**MINUTES OF October 6, 2008**

### **CALL TO ORDER & ESTABLISHMENT OF QUORUM**

President and Presiding Officer William Cover called the meeting to order at 9:15 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

#### **Board Members Present:**

William Cover, R.Ph., President  
Del T. Fanning, R.Ph., Vice President  
Donna Wall, PharmD., R.Ph, Member  
Sara St. Angelo, PharmD, R.Ph., Member  
Winnie Landis, R.Ph., Member  
Lora Williams, Consumer Member

#### **Board Members not in attendance:**

Steve Anderson, R.Ph., Member

#### **State Officials Present:**

Marty Allain, Board Director, Indiana Professional Licensing Agency  
James Schmidt, Advisory Counsel

A motion was made and seconded to adopt the agenda.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to adopt the September 2008 Minutes.

**Landis/Wall**

**Motion carried 6/0/0**

Compliance Officers presented their reports.

Joseph Dean appeared before the board regarding his pharmacy technician application. A motion was made and seconded to table the application.

**Wall/Landis**

**Motion carried 6/0/0**

*Donna Wall left meeting to attend settlement conference.*

Samuel Young III appeared before the board regarding his pharmacy technician renewal application. A motion was made and seconded to reinstate his pharmacy technician certification with probationary terms that include the following: Respondent shall be on probation for one (1) year; Respondent must keep the Board notified of his place of employment, work schedule including hours per week, and his personal contact information; Respondent's employer must submit quarterly reports that include the competence and work habits of the Respondent; Respondent to have quarterly probationary appearances; Respondent to provide a personal quarterly statement on his work status; Respondent to provide

addictionology report before his first probationary appearance; Respondent's employer must acknowledge review of probationary order by signature with signed probationary order returned to the board.

**Fanning/St. Angelo**

**Motion carried 5/0/0**

Britney Palmer appeared before the board regarding her pharmacy technician application. A motion was made and seconded to issue a probationary pharmacy technician certification with the following terms: Respondent shall be on probation for one (1) year; Respondent must keep the Board notified of his place of employment, work schedule including hours per week, and his personal contact information; Respondent's employer must submit quarterly reports that include the competence and work habits of the Respondent; Respondent to have quarterly probationary appearances; Respondent to provide a personal quarterly statement on his work status; Respondent shall have four (4) random employer drug tests within the one (1) year probationary term with results sent to the board; Respondent's employer must acknowledge review of probationary order by signature with signed probationary order returned to the board.

**Landis/St. Angelo**

**Motion carried 5/0/1 (Wall abstained)**

*Donna Wall returned to meeting.*

Brittany Trefelner appeared before the board regarding his pharmacy technician application. A motion was made and seconded to approve the application pending receipt of proof of completion of criminal probation.

**Landis/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to continue the Walgreens patient health information hearings presently set for November 10, 2008 and December 1 and 2, 2008.

**Wall/Landis**

**Motion carried 4/1/1 (Cover abstained & St. Angelo against)**

**In the Matter of the Indiana Controlled Substance Registration of Thomas Bathrick, DO**

License No. 02000736B

Administrative Cause No. 2008 IBP 0040

Re: Petition to Reinstate

**Parties and Counsel Present:**

Thomas Bathrick, Respondent

Michelle Baldwin, Respondent's counsel

Libby Kiefner, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Wall

Landis

**Witnesses for the Respondent:**

Thomas Bathrick

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned to have his suspended CSR reinstated.

**Board Action:**

A motion was made and seconded to issue a probationary CSR for one (1) year with the following probationary terms: Respondent's employees are prohibited from being involved in writing prescriptions; Respondent to present a policy/protocol to Board on how to treat patients in his absence; Respondent to take CME law course on controlled substances and writing prescriptions; compliance officer to conduct random inspections; Respondent to provide updated information on place of employment and residential addresses; Respondent to provide quarterly reports to be submitted to Board on the current status of prescription writing in his office; and compliance officer to conduct quarterly review of practitioner INSPECT report and Respondent's internal prescribing records to determine any discrepancies; Respondent may not call-in prescriptions for controlled substances.

**Wall/St. Angelo**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Thomas Goodge**

License No. 26016041A

Administrative Cause No. 1995 IBP 0002

Re: Petition to Reinstate

**Parties and Counsel Present:**

Mark Mader, DAG

Michelle Baldwin, Respondent's counsel

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

Bret Busby

**Case Summary:**

Respondent filed a Motion to Reinstate his summarily suspended license. Respondent withdrew the Motion with no objection from the State of Indiana.

**Board Action:**

A motion was made to accept the withdrawal of Respondent's Motion to Reinstate.

**St. Angelo/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Julie Flick**

License No. 26016926A  
Administrative Cause No. 2008 IBP 0017  
Re: Extension of Summary Suspension

**Parties and Counsel Present:**

Heather Kennedy, DAG  
Elizabeth Ferguson, Certified Graduate Intern

**Participating Board Members:**

Fanning  
Anderson  
St. Angelo  
Williams  
Cover  
Landis  
Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Complaint was filed against the Respondent's pharmacist license.

**Board Action:**

A motion was made and seconded to strike reference in order to ninety (90) day suspension and to clarify the summary suspension is indefinite.

**Wall/St. Angelo**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Steven Zehring**

License No. 26012990A  
Administrative Cause No. 1997 IBP 0011  
Re: Order to Show Cause

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Cover  
Landis  
Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

Carl Erdmann

**Case Summary:**

Board issued an Order to Show Cause against the Respondent for failing to abide by his probationary terms.

**Board Action:**

A motion was made and seconded to summarily suspend Respondent's license for ninety (90) days.

**St. Angelo/Landis**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Gary Trauth**

License No. 26019287A

Administrative Cause No. 2003 IBP 0015

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Mark Mader, DAG

Gary Trauth, Respondent

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

Respondent filed a Petition to Withdraw Probation.

**Board Action:**

A motion was made and seconded to withdraw the probation.

**Landis/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to request a second addictionology report from James Sagstetter to be provided prior to the next meeting where Mr. Sagstetter will be making a personal appearance.

**Landis/St. Angelo**

**Motion carried 6/0/0**

*Rich Bramer appeared as advisory counsel replacing James Schmidt.*

**In the Matter of the Indiana Pharmacist License of Tracy Davis**

License No. 26016713A

Administrative Cause No. 2008 IBP 0042

Re: Appeal of Denial of Renewal Application

**Parties and Counsel Present:**

Lorie Brown, Respondent's counsel

Tracy Davis, Respondent

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover  
Landis  
Wall

**Witnesses for the Respondent:**

Tracy Davis  
Alex Zweig  
Carl Erdmann

**Witnesses for the State:**

None

**Case Summary:**

Board denied renewal application and applicant petitioned board for review of denial.

**Board Action:**

A motion was made and seconded to issue an indefinite probationary license for five (5) years with the following terms: Respondent to keep the Board on notice of employer, work schedule, and all personal contact information; Respondent to provide quarterly reports from employer; Respondent may work no more than forty five (45) hours weekly and no more than ten (10) hours per day; Respondent must attend five (5) NA meetings per week and provide quarterly reports; Respondent must attend counseling monthly until such time her counselor recommends counseling is no longer necessary with quarterly reports; Respondent must notify the Board in writing of any relapse; Respondent must remain in her contract with PRN for the entire term of the probation; Respondent is prohibited from working as a qualifying pharmacist; Respondent shall appear for monthly probationary appearances for the first year of probation and quarterly thereafter; Respondent shall complete two (2) hours of community service each month; and Respondent's employer shall sign off on probationary order.

**Wall/Fanning**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Larry Harter**

License No. 26012910A  
Administrative Cause No. 2008 IBP 0052  
Re: Petition for Summary Suspension

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Landis  
Wall

*Cover recused himself.*

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Petition for Summary Suspension was filed by the State of Indiana.

**Board Action:**

A motion was made and seconded to summarily suspend Respondent's license for ninety (90) days.

**St. Angelo/Wall**

**Motion carried 5/0/0**

**In the Matter of the Pharmacy Technician in Training Permit of Rickey Murff**

Permit No. 99028846A

Administrative Cause No. 2008 IBP 0020

Re: Final Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Complaint was filed against the Respondent's technician-in-training certification.

**Board Action:**

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to issue a notice of proposed default.

**Wall/Cover**

**Motion carried 6/0/0**

**In the Matter of the Pharmacy Technician Certification of Kimberly Stokes**

Certification No. 67010594A

Administrative Cause No. 2008 IBP 0019

Re: Extension of Summary Suspension

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

**Board Action:**

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

**Fanning/St. Angelo**

**Motion carried 6/0/0**

**In the Matter of the Pharmacy Technician Certification of Shaun Ray**

Certification No. 67011985A

Administrative Cause No. 2008 IBP 0018

Re: Extension of Summary Suspension

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

**Board Action:**

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

**St. Angelo/Fanning**

**Motion carried 6/0/0**

**In the Matter of the Pharmacy Technician Certification of Selina King**

Certification No. 67011337A

Administrative Cause No. 2008 IBP 0014

Re: Extension of Summary Suspension

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams



Cover  
Landis  
Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

**Board Action:**

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

**Wall/Fanning**

**Motion carried 6/0/0**

**In the Matter of the Pharmacy Technician Certification of Jennifer Nobles (Watts)**

Certification No. 67009115A

Administrative Cause No. 2008 IBP 0013

Re: Extension of Summary Suspension

**Parties and Counsel Present:**

Heather Kennedy, DAG

Elizabeth Ferguson, Certified Graduate Intern

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

**Board Action:**

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

**Fanning/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Jason Ashcraft

Tina King

Charles Lindstrom

Michael Long

Ruth Ann Murr  
Harish Nair  
Jeremiah Strunc  
Ernest Whitacre  
Ed Hine

**Fanning/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Barbara Chew  
James Dudek  
Traci Holling  
Tony Jacobs  
Muataz Noffel  
Jeffrey Opel  
Linda Rodeman  
Stephen Szalewski

**Williams/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Gary Trauth  
Daniel Weaver

**Landis/Williams**

**Motion carried 6/0/0**

Gilbert Chavarria, Gregory Dodds, Robert Jaberg, Angela Kruer, Thomas MacLean, Joseph Mathys, Susan Reynolds and Donnielle Shead did not appear for their probationary appearance.

A motion was made and seconded to request a personal appearance for Robert Jaberg.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the pharmacist intern applications for the following:

Anne Parada  
Andrew Trgovich

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to table the WDD application for Patterson Logistics Services, Inc. and request a personal appearance.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the WDD application for Cardinal Health.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the pharmacist renewal application for Chung Mau pending the applicant's passing of the MPJE.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following continuing education hours:

Timothy L. Johnston	(0.5)
Jamie Lyberg	(0.5)
R. Brian Wolfe, PharmD	(1)
Meredith W. Harpes, PharmD	(0.5)
Indiana Pharmacists Alliance	(5)

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following pharmacy technician applications:

Jocelyn Branson  
Joyce Howard  
Michael Clarke  
Cecelia Obua

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to request a personal appearance for pharmacy technician applicant Michael Scott.

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following pharmacy technician applications:

Jill Dyer  
Kimberly Barnes  
Dorothy Richardson

**Williams/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the waiver requests for the following:

Emma Naugle  
Trent Huckstep

**Williams/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the waiver requests for the following:

Alysha Switalski  
Brandon Bourgeois  
Amy Burch  
Lisa Mueller

**St. Angelo/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to approve the waiver requests for the following:

Derek Snodgrass  
Phanlada Chantha-Hill  
Cortney Sanders  
Taneisha Hampton  
Anyea Livers

**Landis/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to approve requests for extensions of the following technician-in-training permits:

Kourtney Williams  
Heather Davidson

**Landis/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to table the non-resident pharmacy application of Louisville Pharmacy requesting the confirmation of an answering service.

**St. Angelo/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following non-resident pharmacy applications:

Long Beach Prescription Pharmacy II  
Rx Express Pharmacy

**St. Angelo/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to table the WDD application for Forty Wayne Custom Rx, Inc. with the understanding that the business practices described in the application fall within the pharmacy license presently held by the applicant.

**Wall/St. Angelo**

**Motion carried 6/0/0**

Board Director's Report

A motion was made and seconded to issue pharmacy technician certification to Joseph Dean.

**Wall/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to request a personal appearance for Donna Geshwilm regarding her position as qualifying pharmacist during the drug diversion of Respondent Ricky Murff.

**St. Angelo/Wall**

**Motion carried 5/0/1 (Fanning abstained)**

The meeting adjourned at 4:40 p.m.

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**William Cover, R.Ph., President**  
**Indiana Board of Pharmacy**

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**Date**

**Next Scheduled Meeting:**

Monday, November 10, 2008  
Indiana Government Center South  
Room W064